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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,330

03/31/2004

Dennis R. Berman

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HOYT A. FLEMING III

P.O. BOX 140678

BOISE, ID 83714

EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/815,330

Applicant(s)

BERMAN, DENNIS R.

Examiner

Kang Hu

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/31/04; 9/27/04; 11/15/04; 4/26/05; 7/22/05; 11/04/05; 7/24/06; 12/11/06; 6/22/07;.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Science Vocabulary Hangman Game, herein after known as Hangman, dated April 2001 provided by WayBackMachine (attachment provided).

Re claim 1, the traditional hangman is a paper and pencil guessing game for two players. One player thinks of a word and the other tries to guess it by suggesting letters. The word to guess is represented by a row of dashes, giving the number of letters. If the guessing player suggests a letter which occurs in the word, the other player writes it in all its correct positions. If the suggested letter does not occur in the word, the other player draws one element of the hangman diagram. The game is over when: The guessing player completes the word, or guesses the whole word correctly or the other player completes the diagram. Hangman provided by Science Vocabulary Hangman Game works in a similar manner. As can be seen in the attachment provided, there is a question provided to the player. The answer field (dashes) is in a different font and different color. Once the person guesses the letter, the answer field will correspond to the letter guessed or if no letters are in the answer field, a part of the hangman will disappear. Hangman teaches the broadly claimed invention of a program storage device (web server), the

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program storage device containing computer readable instructions (instructions or codes provided on the Internet), that when executed by a computer, perform the following acts: retrieving a keyword (the answer sought after by the game), which forms a part of an answer to a question in a training course. Hangman teaches retrieving the hint or the question provided to the player, however hangman does not teach that the question, which is not a keyword, forms a second part of the answer to the question in claim 1 and any subsequent claims. It would be obvious to one of ordinary skill at the time invention made to include the question as part of the answer to formulate a complete answer to the question. Hangman further discloses generating a web documentation for use in a training course, the web documentation including an answer to the question, the answer including the keyword, the keyword being in a first font and the question or hint given is in a second font (claims 1-3); Hangman also teaches the partial answer to the question includes an indication of the number of characters in the keyword and the indication is a plurality of non-continuous underlines (claims 4, 5, 9 and 10); Hangman also shows of generating an image on a computer display for use in a training course, the image including an answer to the question (claims 6-8).

Hangman further teaches in claim 11, displaying on a computer display, a question, a complete answer to the question, and a partial answer to the question; receiving information from a user of a training system; and updating the displayed partial answer to include the received information; Wherein received information is a keyword of the complete answer to the question (claim 12).

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Hangman further teaches in claim 13, displaying on a computer display, a question, a complete answer to the question, and a partial answer to the question; receiving information that corresponds to a character from a user of a training system (the guessing player suggests a letter which occurs in the keyword or the complete answer to the question) if the received information corresponds to the first character in the first word that is present in the complete answer to the question but is not present in the partial answer to the question, then updating the displayed partial answer to include the character; else displaying an indication (hangman losing a leg or part of its body) that the character is not the first character in the first word that is present in the complete answer to the question but is not present in the partial answer to the question.

Hangman does not provide an explicit indication that comprises of an error message according to claim 14, however providing a loss of a leg of the hangman is analogous to providing an error message that indicates that the letter is not present in the answer to the question; Hangman provides indication including displaying the character in a color that is different from the color utilized to upgrade the displayed partial answer and displaying the character in a font that is different from the font utilized to update the displayed partial answer (claims 15-16).

Re claim 17, Hangman teaches displaying on a computer display, a question, a complete answer to the question, and a partial answer to the question; receiving information that corresponds to a first character from a user of a training system; if the received information does not correspond to the first character in the first word that is present in the complete answer to the question but is not present in the partial answer to the question, the displaying the first character on the

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computer display; receiving information that corresponds to a second character from the user; and if the received information does not correspond to the first character in the first word that is present in the complete answer to the question but is not present in the partial answer to the question, hangman does not disclose of replacing the first character on the computer display with the second character, however it would be obvious to one of ordinary skill in the art at the time invention was made to include such feature so the player knows which character was last played.

Re claims 18-23, the traditional hangman was originally used with paper and pencil or chalk and a chalkboard. Hangman provided by Science Vocabulary Hangman Game teaches the use of a computer, Internet, keyboard and mouse. In this instance the program can be operated on a laptop where it would be typical to include features such as keyboard, mouse, microphone, touchpad, touch screen and a number pad. Since the marketplace reflects the reality that applying modern electronics to older mechanical devices is commonplace, it would have been obvious to one of ordinary skill in art of such training system to update older methods of hangman with modern electronic components that are commonly available and understood in the art of education, in order to gain the commonly understood benefits of such adaptation, such as simplified operation.

3. Claims 24-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Science Vocabulary Hangman Game in view of Ukisu (US 4,690,645)

Claims 24-37, hangman does not disclose of the different variation of hint object where it will update the display of the partial answer to include at least one additional character. Ukisu teaches

of such feature in col 4, lines 34-40. It would be obvious to one of ordinary skill in the art at the time of invention to include the hint capability disclosed in Ukisu to help the player get unstuck if he or she cannot correctly answer the question. This hint feature is used differently in hangman that hangman allows the player to guess a certain number of tries before revealing the correct answer, however it is used for the same purpose and Hangman and Ukisu are in the same field of endeavor of interactive education methods.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boon (US 6,022,221) teaches of a method for short-to long-term memory bridge. Whitehurst et al. (US 6,978,115 b2) teaches of a method for training in an adaptive manner. New III (US 6,155,834) teaches of a data driven interactive testing method, apparatus and article of manufacture for teaching a student to read. McElwrath (US 2004/0009462 A1) teaches of a method of developing customized electronic course of study based on the identified content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

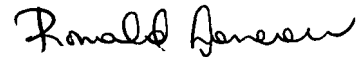
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/  
Kang Hu  
August 1<sup>st</sup> 2007



Ronald Laneau  
Trainer AU: 3714

8/3/07